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571-272-4683

Paper 44  
Filed: August 29, 2011

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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GARY S. ROUBIN, GEOFFREY HAMILTON WHITE,  
SRIRAM S. IYER, RUSSELL J. REDMOND, and CLAUDE A. VIDAL  
Junior Party  
(Patent Nos. 5,827,321, 6,475,236 and 6,106,548)<sup>1</sup>

v.

PAUL H. BURMEISTER, CHARLES L. EUTENEUER,  
BRIAN J. BROWN, PAUL J. FORDENBACHER, and  
ANTHONY C. VRBA  
Senior Party  
(Application 09/427,291)<sup>2</sup>

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Patent Interference No. 105,794  
(Technology Center 3700)

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Before: JAMESON LEE, SALLY GARDNER LANE and SALLY C. MEDLEY,  
*Administrative Patent Judges.*

LEE, *Administrative Patent Judge.*

**Judgment – Merits – Bd. R. 127**

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1 The real party in interest is Endosystems, LLC.

2 The real party in interest is Boston Scientific Scimed, Inc.

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Roubin v. Burmeister

1       Junior party Roubin has not filed a preliminary statement. Junior party  
2   Roubin has not attacked the accorded benefit dates of Senior Party Burmeister.  
3   Junior party has indicated that it will not be filing a priority motion. Junior party  
4   Roubin recognizes that it has in essence conceded priority. (Paper 26).

5       In a separate concurrent paper, we have denied junior party Roubin's Motion  
6   1 to designate certain claims as not corresponding to the count. No other motion is  
7   pending before the Board. Time is now appropriate to enter judgment against the  
8   junior party. It is

9       **ORDERED** that judgment as to the subject matter of Count 1 is herein  
10   entered against junior party GARY S. ROUBIN, GEOFFREY HAMILTON  
11   WHITE, SRIRAM S. IYER, RUSSEL J. REDMOND, and CLAUDE A. VIDAL;

12       **FURTHER ORDERED** that junior party GARY S. ROUBIN, GEOFFREY  
13   HAMILTON WHITE, SRIRAM S. IYER, RUSSEL J. REDMOND, and CLAUDE  
14   A. VIDAL is not entitled to claims 1-54 of Patent 5,827,321, claims 1-25 of Patent  
15   6,475,236, and claims 1-12 of Patent 6,106,548, which correspond to Count 1;

16       **FURTHER ORDERED** that claims 1-54 of Patent 5,827,321, claims 1-25  
17   of Patent 6,475,236, and claims 1-12 of Patent 6,106,548 are herein cancelled;

18       **FURTHER ORDERED** that if there is a settlement agreement, the parties  
19   should note the requirements of 35 U.S.C. § 135(c) and 37 CFR § 1.666; and

20       **FURTHER ORDERED** that a copy of this judgment be filed in the  
21   respective involved application or patents of the parties.

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Roubin v. Burmeister

By Electronic Transmission:

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